

Certificate of Notice Page 1 of 5  
United States Bankruptcy Court  
Eastern District of Pennsylvania

In re:  
Andrew B Gardner  
Kelly A. Gardner  
Debtors

Case No. 19-13704-amc  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0313-2

User: ChrissyW  
Form ID: pdf900

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Apr 07, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on  
Apr 09, 2020.  
db/jdb +Andrew B Gardner, Kelly A. Gardner, 3540 Conrad Street, Philadelphia, PA 19129-1639

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Apr 09, 2020

Signature: /s/Joseph Speetjens

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**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on April 7, 2020 at the address(es) listed below:

DAVID M. OFFEN on behalf of Debtor Andrew B Gardner dmol60west@gmail.com,  
davidoffenecf@gmail.com/offendr83598@notify.bestcase.com  
DAVID M. OFFEN on behalf of Joint Debtor Kelly A. Gardner dmol60west@gmail.com,  
davidoffenecf@gmail.com/offendr83598@notify.bestcase.com  
HAROLD N. KAPLAN on behalf of Creditor New Residential Mortgage LLC hkaplan@rasnj.com  
KEVIN G. MCDONALD on behalf of Creditor DITECH FINANCIAL LLC bkgroup@kmlawgroup.com  
MARY F. KENNEDY on behalf of Creditor Citizens Bank, N.A. s/b/m Citizens Bank of Pennsylvania  
mary@javardianlaw.com, angie.harrigan@javardianlaw.com  
REBECCA ANN SOLARZ on behalf of Creditor New Residential Mortgage LLC bkgroup@kmlawgroup.com  
United States Trustee USTPRegion03.PH.ECF@usdoj.gov  
WILLIAM C. MILLER, Esq. ecfemails@phl3trustee.com, philaecf@gmail.com

TOTAL: 8

LAW OFFICE OF GREGORY JAVARDIAN, LLC

By Mary F. Kennedy, Esquire

Attorney I.D. # 77149

1310 Industrial Blvd.

1<sup>st</sup> Floor, Suite 101

Southampton, PA 18966

(215) 942-9690

Attorney for Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania

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IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE:

Andrew B. Gardner

Kelly A. Gardner

Debtor(s)

Chapter 13 Proceeding

19-13704 AMC

**STIPULATION BY AND BETWEEN ANDREW B. GARDNER AND KELLY A.  
GARDNER AND CITIZENS BANK, N.A. S/B/M TO CITIZENS BANK OF  
PENNSYLVANIA**

WHEREAS, the parties hereto, and their respective counsel, have agreed as to the disposition of the Motion for Relief from the Automatic Stay filed by Mary F. Kennedy on behalf of mortgagee, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania ("Movant").

NOW, THEREFORE, intending to be legally bound, the parties hereto, herewith stipulate as follows:

1. Movant is a mortgagee and holder of a perfected, secured claim against the Debtor pursuant to Notes and Mortgages on Debtor's real estate known as at 3540 Conrad Street, Philadelphia, PA 19129 ("property").
2. Upon approval by the United States Bankruptcy Court of the within Stipulation, Debtor and secured creditor, Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania, agree to the following:

{00665926}

(a) Debtor(s) acknowledges that the current regular monthly post-petition mortgage payment is \$588.55 per month. The monthly payment is subject to change in accordance with the terms of the Note and Mortgage.

(b) Debtor(s) acknowledge that debtor(s) is currently due for the following amounts post-petition:

7/1/2019 payment	\$588.55
8/1/2019 payment	\$588.55
9/1/2019 payment	\$588.55
10/1/2019 payment	\$588.55
11/1/2019 payment	\$588.55
12/1/2019 payment	\$588.55
1/1/2020 payment	\$588.55
2/1/2020 payment	\$588.55
3/1/2020 payment	\$588.55
Motion for Relief Attorney Fees & Costs	\$1,231.00
TOTAL	\$6,527.95

(c) Commencing with the April 1, 2020 payment the Debtor(s) shall resume and shall continue to make all regular monthly post-petition mortgage payments when they are due in accordance with said Note and Mortgage.

(d) Within fifteen (15) days of the Court's approval of this Stipulation Debtor(s) shall amend the Plan to provide for the payment of the post-petition arrearage of \$6,527.95 to Movant through the Plan.

(e) Within fifteen (15) days of the Court's approval of this Stipulation Movant shall amend its Proof of Claim to add the \$6,527.95 in post-petition arrearage to its arrearage claim.

- (f) The provisions of the Stipulation do not constitute a waiver by Movant of its right to seek reimbursement of any amounts not included in this Stipulation, including fees and costs, due under the terms of the mortgage and applicable law.
- (g) The Debtor(s) shall timely tender all payments and comply with all conditions in accordance with this Stipulation. If such payments or conditions are not timely made, Movant may provide the Debtor(s) and their counsel with fifteen (15) days written notice of default. If the default is not cured within the fifteen (15) day period, Movant may certify the default to this Court and an Order shall be entered granting Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania its successors and/or assigns relief from the automatic stay without further notice and hearing.
- (h) Should Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania its successors and/or assigns be granted relief from the stay after filing a Certification of Default in accordance with paragraph 2 (g) above, the parties agree that the said relief order shall include the following language: "bankruptcy Rule 4001(a)(3) is not applicable and Movant is allowed to immediately proceed with foreclosure and all other relief available under the Non Bankruptcy law." Debtor(s) have the right to object to any certificate of default filed by Movant.
- (i) The parties agree that a facsimile may be submitted to the Court as if it were an original.

STIPULATED AND AGREED TO BY:



Date: \_\_\_\_\_

David M. Offen, Esquire  
Attorney for Debtor, Andrew B. Gardner and Kelly A. Gardner



Date: 4/2/2020

Mary F. Kennedy, Esquire  
Attorney for Citizens Bank, N.A. s/b/m to Citizens Bank of Pennsylvania

/s/ Jack Miller

Date: 4/3/2020

William C. Miller, Esquire  
Trustee

**no objection to its terms, without prejudice to  
any of our rights and remedies**

On this \_\_\_\_ day of \_\_\_\_\_, 2020, approved by the Court.

**Date: April 7, 2020**



United States Bankruptcy Judge  
Ashely M. Chan

cc: Mary F. Kennedy, Esquire  
1310 Industrial Blvd.  
1<sup>st</sup> Floor, Suite 101  
Southampton, PA 18966

David M. Offen, Esquire  
The Curtis Center  
601 Walnut Street, Suite 160 West  
Philadelphia, PA 19106

William C. Miller, Esquire  
Chapter 13 Trustee  
PO Box 1229  
Philadelphia, PA 19105